



# TOWN OF WOODBURY

## Zoning Commission

297 Main Street South  
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### MINUTES PUBLIC HEARING/REGULAR MEETING TUESDAY, MARCH 9, 2010

7:30 P.M.

TOWN ANNEX

#### MEMBERS PRESENT:

Martin Overton  
Robert Clarke  
Ted Tietz  
Chuck Cosgriff

#### ALTERNATES PRESENT:

Don Judson

#### MEMBERS ABSENT:

Alan Green

#### ALTERNATES ABSENT:

Chris Conto  
Roberta Zulpa

**ALSO PRESENT:** Catherine Adsitt, Ronald Wolff, David Cowles, Atty. Gail McTaggart, Carole Winer-Sorensen, Russ Barton, Greg Grew, Dan O'Neill, Brian Baker, George Johannesen, Carole Brashear, Bill Meyer, member of the press, and other interested residents.

#### I. PUBLIC HEARINGS

1. 10-ZC-1004a/Cowles/14 Middle Road Turnpike/Special Permit/Main Street Design District/Pole Barn (Tax Assessor's Map 090/Lot 002A)
2. 10-ZC-1004b/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Pole Barn (Tax Assessor's Map 090/Lot 002A)
3. 10-ZC-1012/Cowles/14 Middle Road Turnpike/Special Permit/Aquifer Protection District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

Chr. Overton reconvened the public hearings at 7:30 p.m. Seated were Commissioners Overton, Clarke, Tietz, Cosgriff, and Alternate Judson. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest. The applications and legal notices were read at the first session of the public hearing.

David Cowles and Ronald Wolff, Engineer, were present. Mr. Wolff explained that at the last session of the public hearing there was an issue of the interpretation of the regulations regarding the application. Mr. Wolff said he spoke to Catherine Adsitt, Town Planner, who said she received correspondence from Town Counsel stating the public notice was acceptable and would hold up in court if appealed, but that the Commission could decide if the notice should be published again for clarification. Chr. Overton asked what was omitted from the legal notice. Mr. Wolff said the legal notice only stated the application was for a pole barn, and not for the sale of local dairy products and produce. The Commission felt the legal notice should

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be republished. Chr. Overton said the applications would have to be withdrawn by the applicant and new applications be submitted to do so.

Mr. Wolff said Town Counsel did also say that an Inland Wetlands Agency would not have to be resubmitted, as there were no changes being made to that application.

Mr. Cowles submitted a note to the Commission withdrawing the applications.

**MOTION:**

To close the public hearings at 7:45 p.m. for Applications 10-ZC-1004a submitted by David Cowles for a special permit in the Main Street Design District for a pole barn to sell produce and dairy products at 14 Middle Road Turnpike; Application 10-ZC-1004b submitted by David Cowles for a special permit in the Flood Plain District for a pole barn to sell produce and dairy products at 14 Middle Road Turnpike; and Application 10-ZC-1012 submitted by David Cowles for a special permit in the Aquifer Protection District for a pole barn to sell produce and dairy products at 14 Middle Road Turnpike. (Tax Assessor's Map 090/Lot 002A)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

4. **10-ZC-1007/Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Permit/Main Street Design District (Tax Assessor's Map 103/Lot 048)**
5. **10-ZC-1008/Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Bed & Breakfast (Tax Assessor's Map 103/Lot 048)**
6. **10-ZC-1010/Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection/Proposed Bed & Breakfast (Tax Assessor's Map 103/Lot 048)**
7. **10-ZC-1011/Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection/Proposed Restaurant (Tax Assessor's Map 103/Lot 048)**

Chr. Overton convened the public hearings at 7:45 p.m. Seated were Commissioners Overton, Clarke, Tietz, Cosgriff, and Alternate Judson. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest. The legal notice, which was published in the Waterbury Republican-American on February 27, 2010, and March 6, 2010, was read.

Present for the applications were Carole Winer-Sorensen, property owner; Atty. Gail McTaggart; Brian Baker, Engineer; Greg Grew, Architect; Dan O'Neill, Traffic Engineer; and Russ Barton, restaurant operator.

Atty. Gail McTaggart submitted the required Certificates of Mailing. Atty. McTaggart stated the referral to the Planning Commission was approved on March 17, 2010, the Inland Wetlands Agency on February 25, 2010, and the Historic District Commission on March 1, 2010. Atty. McTaggart said the applications were also approved by the health department.

Atty. McTaggart explained that a zone change was approved by the Zoning Commission and that the entire property is now in the Main Street Design District. Atty. McTaggart said these applications are for a proposed Bed and Breakfast in the main house, and for a restaurant in the barn. Atty. McTaggart explained the history of the property, which is known as the Bull Homestead. Atty. McTaggart said the plan is to make the property more productive and to continue the sales of antiques, which has taken place in the barn.

Atty. McTaggart said the proposal is consistent with the Plan of Conservation and Development, stating she extensively reviewed the plan. Atty. McTaggart submitted and read a summary which explained the objectives of the proposal and how it is supported by the plan.

Brian Baker, Engineer, explained the site development plan, stating the property consists of a wetland system that runs north to south and into the pond on the property, there is a tree line on the eastern portion of the property, an open grass area, and the property is located on Old Sherman Hill Road to the south and Main Street (Route 6) to the west. Mr. Baker said the main driveway of the property is on Main Street.

Mr. Baker said there are currently 3 buildings on the site. The existing house has four bedrooms, and that 3 upstairs bedrooms would be guest rooms for the Bed & Breakfast and one bedroom on the main floor would be for the owner. There is an existing cottage on the property, which is currently rented, and will continue to be rented. The existing barn on the property will be for the restaurant and that an addition to the barn is being proposed for an entryway and kitchen. The driveway would remain gravel and 3 parking spaces would be added adjacent to the Bed & Breakfast. Handicapped parking spaces for the restaurant would be added near the entry.

Mr. Baker said a grease trap would be added to the septic system for the kitchen in the Bed & Breakfast. A new septic system would be added for the restaurant, also with a grease trap.

Mr. Baker said several 10 foot and 8 foot pole mounted lights would be added.

Mr. Baker said the applications were also approved by Land Tech and Dave Monckton of the Public Works Department.

Greg Grew, Architect, explained the conversion of the barn to a restaurant. Mr. Grew said there are several levels to the building. There would be an entry and kitchen addition, which would allow for the entry to be at the floor level of the driveway without steps. Mr. Grew said the addition would be 18 feet out from the main building and would also have a basement and a stone veneer chimney to mimic a fireplace to hide the exhaust for the kitchen.

Mr. Grew said several windows would be deepened to maximize the views of the pond and field. Mr. Grew said doors would also be widened for better access. Mr. Grew said there is a modest amount of work to be done to the exterior of the building and all materials used would match the existing building. Mr. Grew said an area to the back of the building would house an elevator to meet accessibility codes.

Mr. Grew said the lighting would match the design that is already there. Parking lights would be low level, 100 watts with a ½ foot candle per square foot, to keep the parking area minimally safe with no light spillage.

Mr. Grew said the sign would be located in the same location as the sign for the antiques business, but the proposal is for the sign to be mounted on two poles instead. Mr. Grew said the sign lights would be aimed upward so there would be no glare for drivers. Mr. Grew said the sign would be 12 square feet (the maximum allowed) with a smaller 6 square foot supplemental sign.

Mr. Grew explained the floor plans, stating that the existing basement would be used for storage, food preparation, freezers, and mechanical space. The main level would consist of the new vestibule addition, kitchen, dining area, bathrooms, and elevator lift. The upper level would also have a dining area, a bar, and offices.

Mr. Grew explained the Bed & Breakfast floor plans, stating that the main level would have a large kitchen and dining area and a one bedroom suite for the owner. The second level would have 3 guest bedrooms and two bathrooms.

Dan O'Neill, Traffic Engineer, explained the traffic impact report. Mr. O'Neill said it was determined that the traffic generated by the proposed development could be safely and efficiently accommodated by the proposed full access driveway on Route 6, the proposed exit only driveway on Old Sherman Hill Road, and the surrounding roadway system.

Mr. O'Neill said the accident history showed 12 accidents over the last 3 years, two that indicated the driver was asleep or incapacitated, and the others were following too close.

Mr. O'Neill said perhaps if there is a special function at the restaurant it may be appropriate to have a police officer at the site for traffic control.

Commissioner Ted Tietz asked how the peak hours are determined. Mr. O'Neill said it is done by counting cars and by using a trip generation manual. Commissioner Tietz asked if the restaurant would be open on Saturday at 12 p.m., which is a peak hour.

Commissioner Robert Clarke asked what the restaurant's hours of operation would be. Russ Barton said they would be open 7 days per week, and lunch hours would be from 12 to 2:30 p.m. and dinner from 5 to 10 p.m. The hours of 2:30 to 5 p.m. would have a low number of customers.

Commissioner Clarke asked why there was no traffic study done on a Sunday. Mr. O'Neill said Sunday would have had less traffic. Commissioner Clarke said Sunday was a busy day in Woodbury with antiques traffic on the weekends and leaf peepers in the fall.

Commissioner Clarke said regarding the accident information, he remembers a death of a pedestrian and an accident with a serious injury. Mr. O'Neill said the study was done ½ mile to each side of the property. Chr. Overton said a pedestrian crossing that is a ½ mile away is irrelevant.

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Commissioner Clarke said his concern is that there is a restaurant across the street that will also be open on Sundays. Chr. Overton said if Commissioner Clarke had a concern about that it should have been brought up during the zone change application. Commissioner Clarke said he did bring it up during that time, and it is in the minutes.

Mr. O'Neill said in his study he is looking for a problem with the road, such as a bad curve or an intersection with a stop sign, and noted that there was not any road problems in the area studied, which was on Route 6 from Route 64 to Route 317, and Old Sherman Hill Road from Route 6 to Route 64. Commissioner Clarke said he is concerned about the hill coming up from Route 64. Mr. O'Neill said he looked at that and the sight lines are good.

Commissioner Clarke asked if the one kitchen was for both functions of the restaurant and catering and was told the kitchen was for both uses.

Commissioner Clarke asked how many uses were included in the application. Atty. McTaggart said the Bed and Breakfast and the restaurant are the primary uses. The accessory use for the Bed and Breakfast is antiques and fine art sales. The accessory uses for the restaurant are seasonal outside dining, catering, parties such as weddings or graduations, art displays for sale, antiques sales, and wine accessories. Carole Winer-Sorensen said in the past the wine accessories included baskets, glasses, wine bottle openers, lanterns, barrels, etc. Mrs. Winer-Sorensen said the items add ambiance to the wine cellar. Atty. McTaggart said the thought is to compliment the existing antiques businesses and the antiques trail.

Commissioner Clarke mentioned Section 5.1.6d of the WZR, which says there should not be more than 2 accessory uses. Atty. McTaggart mentioned Section 5.1.8a allows the Zoning Commission to grant more accessory uses.

Public Comments –

Ann Delo of 47 Pomperaug Road stated that she feels this proposal is appropriate for this property, giving the property a change to be self-sustaining, while increasing the tax base for the town.

Brian Baker said the recommendations made by the Land Use office are included on the plans.

Atty. McTaggart said the presentation explained the conformity to the Plan of Conservation and Development, the dimensional requirements, and historic requirements.

There were no additional comments or information submitted in favor of or in opposition to the application. The Commission agreed to close the public hearing.

**MOTION:**

To close the public hearings at 9:15 p.m. for Application 10-ZC-1007 submitted by Carole Winer-Sorensen for a special permit in the Main Street Design District at 557 Main Street South, 3 Old Sherman Hill Road, and 5 Old Sherman Hill Road; Application 10-ZC-1008 submitted by Carole Winer-Sorensen for a special exception for a Bed and Breakfast at 557 Main Street South, 3 Old Sherman Hill Road, and 5 Old Sherman Hill Road; Application 10-ZC/3/9/10

ZC-1010 submitted by Carole Winer-Sorensen for a special exception in the Aquifer Protection District for a proposed Bed and Breakfast at 557 Main Street South, 3 Old Sherman Hill Road, and 5 Old Sherman Hill Road; and Application 10-ZC-1011 submitted by Carole Winer-Sorensen for a special exception in the Aquifer Protection District for a proposed restaurant at 557 Main Street South, 3 Old Sherman Hill Road, and 5 Old Sherman Hill Road.

(Tax Assessor's Map 103/Lot 048)

Made by Overton, seconded by Clarke.

## II. REGULAR MEETING

Chr. Overton convened the Regular Meeting of the Woodbury Zoning Commission at 9:15 p.m. Seated were Commissioners Overton, Clarke, Tietz, Cosgriff, and Alternate Judson.

### A. PENDING APPLICATIONS

#### 1. 06-ZC-6038/Town of Woodbury/Land Use Office/2007 Regulation Revisions

Chr. Overton said staff is developing a final version.

#### 2. 10-ZC-1004a/Cowles/14 Middle Road Turnpike/Special Permit/Main Street Design District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

#### 3. 10-ZC-1004b/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

#### 8. 10-ZC-1012/Cowles/14 Middle Road Turnpike/Special Permit/Aquifer Protection District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

The applications were withdrawn.

#### 4. 10-ZC-1007/Winer-Sorensen/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Permit/Main Street Design District (Tax Assessor's Map 103/Lot 048)

#### 5. 10-ZC-1008/Winer-Sorensen/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Bed & Breakfast (Tax Assessor's Map 103/Lot 048)

#### 6. 10-ZC-1010/Winer-Sorensen/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection/Proposed Bed & Breakfast (Tax Assessor's Map 103/Lot 048)

#### 7. 10-ZC-1011/Winer-Sorensen/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection/Proposed Restaurant (Tax Assessor's Map 103/Lot 048)

The public hearings have been closed. The Commission agreed to have staff draft a motion to approve and to discuss the motion at the next meeting.

#### 9. 10-ZC-1013/O'Connell/Allied Engineering Assoc./Johannesen/146 South Pomperaug Avenue/Special Permit/Renovate and Expand Existing Motel Building/Middle Quarter District (Tax Assessor's Map 102/Lot 001)

George Johannesen, Engineer was present for the application. Mr. Johannesen said the property is located in the Middle Quarter D District and in the Aquifer Protection District. Mr. Johannesen said the proposal is to renovate and expand the existing motel, which has not been in use since 2006. Mr. Johannesen said the building is currently in fair shape.

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Mr. Johannesen said the application is before the Inland Wetlands Agency and they have planned a site walk for Sunday, February 21, 2010.

Mr. Johannesen explained that the interior walls of the existing building would be removed, and to make the building more uniform, 3 more rooms would be added to the right wing, which would be handicapped accessible if needed. Chr. Overton said the Federal Law would require that. The office in the middle, which currently has 2 apartments, would be removed and replaced with two more motel rooms. The rooms would be built to the current hotel standards at 24-25 feet. Mr. Johannesen said the structural integrity of the building would be improved. A simulated stone face would be used on the bottom with clapboard siding. New windows and doors would be installed.

Mr. Johannesen said the laundry room in the basement will be removed, and there would be no laundry done on the site in the future, which would be a significant decrease in the sewage flow as far as the health department is concerned. The existing septic system is in the back of the building. Also removed from the basement would be the furnace and tanks, and each room would have their own heating unit. Mr. Johannesen said the basement would be used for storage, or perhaps a ping pong table and other games in the future.

Mr. Johannesen reviewed the landscaping plan and erosion control measures to be taken, and said soil testing would be done on March 10, 2010.

Mr. Johannesen said he has received comments from Catherine Adsitt, Land Tech, and the Public Works Department. Mr. Johannesen said Land Tech recommended that a dry well be added, the swale and the driveway be enhanced, and to have a construction entrance. Mr. Johannesen said he would be responding to Dave Monckton of Public Works and said he is not clear on some of Catherine Adsitt's comments, and would discuss them with her.

Mr. Johannesen said signage would include one free standing sign and one supplementary sign.

Commissioner Clarke asked what the lot size is. Mr. Johannesen said it is 69,069 square feet without the wetlands and that the proposal is well under the requirements and within the setbacks.

Mr. Johannesen said a loading zone would be needed for a small delivery truck for off site laundry delivery. Mr. Johannesen said there would be no food service on the property.

Chr. Overton said a referral to the Planning Commission is needed. Chr. Overton said he believes a public hearing would also be needed for Aquifer Protection. Chr. Overton suggested a public hearing not be scheduled until April 2010, and that discussion would be continued at the next meeting.

## **MOTION:**

To refer to the Town Engineer and Planning Commission Application 10-ZC-1013 submitted by Allied Engineering Associates, O'Connell, and Johannesen for a special permit to renovate and expand an existing motel building in the Middle Quarter District at 146 Pomperaug Avenue. (Tax Assessor's Map 102/Lot 001)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

## **B. NEW APPLICATIONS**

### **1. SV Woodbury, LLC/Adams/682 Main Street South, Unit 2/Change of Use from Wicker Store to Confectionery - Gift Store (Tax Assessor's Map 102/Lot 002)**

The applicant was not present. The Commission will discuss at the next meeting.

## **C. OTHER BUSINESS**

None

## **D. ENFORCEMENTS**

Chr. Overton read the ZEO Report.

## **E. PRIVILEGE OF THE FLOOR**

Carol Brashear and Bill Meyer of Mackey Farm Road were present. Mrs. Brashear stated they looked into overriding State Statutes regarding the right to farm and found out that a town could regular animals in any zone. Mrs. Brashear said as it stands her neighbors could have 20 roosters, and that is a big concern to her, and that is why she keeps following up on this issue with the Commission. Chr. Overton said he feels the State is wrong.

Bill Meyer said Section 3.4.5 of the WZR mentions noise off the premises, and feels that regulation would include rooster noise. Mr. Meyer said the noise from roosters is a nuisance and the manure is a health issue. Chr. Overton said it was an environmental issue, not a land use issue. Mr. Meyer said one rooster could be okay, but having any more they fight against each other. Mr. Meyer said perhaps there should be a regulation for cock fighting.

Mrs. Brashear said the police won't respond to complaints and that when she first inquired at the Land Use office, her neighbor got vindictive and got 6 roosters, although he has not had any for at least a year now.

Chr. Overton said they would discuss the issue before the final draft of the regulations are adopted.

## **F. CONSIDERATION OF MINUTES**

Regular Meeting – February 23, 2010

The following changes were made:

Page 3, Para. 1 – Should read: "Mr. Peklo said he want to be permitted to do it."

Page 3, Para. 7 – Should read: "...Application 10-ZC-1012, which was published in the..."

Page 4 – Last Para. – Should read: "...does not appreciate being blind sided."

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**MOTION:**

To approve the minutes of the Tuesday, February 23, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Overton, seconded by Clarke.

Vote 4-0-1 in favor. (Cosgriff abstained due to his absence at the meeting)

**G. CORRESPONDENCE**

Information from the State of CT regarding GIS was shared with the Commission.

**H. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 10:10 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL  
Respectfully submitted,

Karen Blanchet, Clerk